

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tessa Yesselman	Team: Squad #4	CCRB Case #: 201901219	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/24/2019 6:45 AM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 7/24/2020	EO SOL 3/10/2021	
Date/Time CV Reported Sun, 02/10/2019 11:07 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 02/10/2019 11:07 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT David Grieco	03830	940216	INT CIS
2. POM Jose Delgado	699	955523	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Edwin Duran	19219	952700	067 PCT
2. DTS Devin Baker	1595	952439	067 PCT
3. POM Saul Delacruz	14948	956572	067 PCT
4. POM Gregory Vasquez	21626	951369	067 PCT
5. SGT Charles Schwartz	05458	947478	067 PCT
6. POM Flagumy Valcourt	06178	954389	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jose Delgado	Abuse: Police Officer Jose Delgado entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.SGT David Grieco	Abuse: Sergeant David Grieco failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

Case Summary

On February 9, 2019, § 87(2)(b) filed this complaint with the CCRB via email.

On January 24, 2019, at approximately 6:45 AM, officers from the Emergency Services Unit (ESU) and the 67th Precinct Field Intelligence team executed a search warrant at § 87(2)(b)'s residence, located at § 87(2)(b), in Brooklyn, where he lives with his roommate § 87(2)(b). Police Officer Jose Delgado, of the 67th Precinct, entered the location (**Allegation A: Abuse of Authority**, § 87(2)(g)), along with Sergeant David Grieco from the Intelligence Criminal Section, and Sergeant Charles Schwartz and Police Officer's Edwin Duran, Saul Delacruz, Gregory Vasquez, Flagumy Valcourt, and Detective Devin Baker, all from the 67th Precinct. Sgt. Grieco did not provide § 87(2)(b) with a business card (**Allegation B: Abuse of Authority**, § 87(2)(g)).

No arrests were made, or summons issued as a result of this incident.

The investigation obtained body worn camera footage of this incident (located in Investigative Actions 19 through 32).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jose Delgado entered § 87(2)(b), in Brooklyn.

On January 24, 2019, at approximately 6:45 AM, officers executed a search warrant (01 **Board Review**) at § 87(2)(b), in Brooklyn. Officers had a valid search warrant, obtained by PO Delgado and signed by the Honorable Judge § 87(2)(b) on § 87(2)(b). The warrant designates that officers may enter without prior notice of purpose or authority (a no-knock entry).

A police officer to whom a search warrant is addressed may execute it pursuant to its terms within ten days of when the search warrant is issued. New York State Criminal Procedure Law, Section 690.50 (**12 Board Review**). NYPD Patrol Guide Procedure 221-17 states a search warrant must be executed within ten days of issuance and within the hours of 6:00 AM and 9:00 PM (**11 Board Review**).

§ 87(2)(g)

Allegation B: Sergeant David Grieco failed to provide § 87(2)(b) with a business card.

It is undisputed that § 87(2)(b) asked Sgt. Grieco for a business card and that Sgt. Grieco declined to provide one.

§ 87(2)(b) (10 Board Review) stated that she asked Sgt. Grieco for a business card and that Sgt. Grieco replied that he did not have a card but would write down his information and did so on an envelope. Sgt. Grieco (08 Board Review) stated that he did not recall if § 87(2)(b) asked him for a card and did not recall if she otherwise asked him for his name or any other identifying information. Sgt. Grieco remembered that he wrote down his name and cell phone number on a piece of mail and gave it to § 87(2)(b). Sgt. Grieco stated that he was not carrying business cards and that he does not carry business cards while executing search warrants. Sgt. Grieco's understanding of the rule is that incidents involving probable cause, such as a search warrant, do not require distributing business cards. Sgt. Grieco's body-worn camera footage (09 Board Review) is consistent with § 87(2)(b) and Sgt. Grieco's statements. At 4:27 § 87(2)(b) requests a card. Sgt. Grieco replies that he does not have one and writes down his information.

NYC Administrative Code 14-174 enumerates law enforcement activities in which officers are required to provide business cards. Number six on this list is home searches. The code further states that an officer shall offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow sufficient time to record such information when an officer does not have an adequate number of business cards (07 Board Review).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (05 Board Review).
- This is the first CCRB complaint to which § 87(2)(b) has been party (04 Board Review).
- PO Delgado has been a member of service for six years and has been a subject in two other closed CCRB complaints and four closed allegations with no substantiations. [REDACTED]
§ 87(2)(g)
[REDACTED]
 - In addition to the closed complaints, PO Delgado is currently a subject officer to one additional open CCRB case with one allegation.
- Sergeant Grieco has been a member of service for thirteen years and has been a subject in 31 other closed CCRB complaints and 67 other closed allegations, of which nine were substantiated:
 - Complaint number 201111996 involved substantiated allegations of premises entered and/or searched § 87(4-b), § 87(2)(g) against Sergeant Grieco. The Board recommended command discipline B and instructions and the NYPD imposed instructions.

- Complaint number 201207718 involved a substantiated allegation of stop against Sergeant Grieco. The Board recommended charges and the NYPD imposed command discipline (one vacation day).
- Complaint number 201405351 involved substantiated allegations of premises entered and/or searched § 87(4-b), § 87(2)(g) against Sergeant Grieco. The Board recommended charges and the NYPD imposed no penalty.
- Complaint number 201800398 involved substantiated allegations of vehicle stop, vehicle search, threat of summons, search of person, § 87(4-b), § 87(2)(g) against Sergeant Grieco. The Board recommended charges and the NYPD has not yet imposed discipline.
- Complaint number 201901422 involved a substantiated allegation of threat of force. The Board recommended formalized training and the NYPD imposed instructions.
- In addition to these closed complaints, Sergeant Grieco is currently a subject officer in eight other open CCRB complaints and 22 other open allegations.
- Of the eight open complaints against Sergeant Grieco, five of them allege that he entered and searched premises, and six of them have been filed within 2019.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Personal Injury Claim with the Office of the New York City Comptroller and is seeking \$100,000 as redress (**13 Board Review**).
- § 87(2)(b) filed a Personal Injury Claim with the Office of the New York City Comptroller and is seeking \$100,000 as redress (**14 Board Review**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**03 Board Review**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**02 Board Review**).

Squad No.: 4

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------